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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/726,013 | 11/29/2000 | Faisal M. Awada | AUS9-2000-0590-US1 | 9662 |

35525 7590 03/25/2004

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 03/25/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,013

Applicant(s)

AWADA ET AL.

Examiner

Stephen M Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action replaces the prior Office action mailed February 23, 2004.

Accordingly, a new response period has been set.

Claim Objections

Claim1 is objected to because of the following informalities:

The recitation "seeking access the database" appears to be missing a prepositional modifier. Examiner has interpreted the claim to include seeking access to the database.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 7-8, 11-20, 24-25, 27-28 are rejected under 35 USC 103 as being unpatentable under Laor (US 6,041,309) in view of Hidary (US 5,852,775). Laor is considered to disclose a method, computer program product, and system comprising:

creating (or instructions for or means for) an electronic database of coupons offered by merchants (please see column 4 lines 38-56 wherein the disclosed book of electronic coupons data structure is considered equivalent to the claimed database);

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receiving, sending, submitting, or sending (or instructions for or means for) a request from a user seeking access [to] the database (please see column 6 lines 12-40 wherein the disclosed personal computer browser software is considered patentably equivalent to the claimed database access request since coupons are access through the disclosed browser);

determining (or instructions for or means for) a location of the user or (or instructions for or means for) remotely accessing the database (please see column 6 lines 40-60 wherein the disclosed website visits implies that a user is accessing the database at a location determined to be different from the site and implies that a user is remotely accessing a website);

providing (or instructions for or means for) a menu of services, preference selection, or service preferences to the user (please see column 5 lines 1-25 wherein the disclosed listing of available coupons is considered patentably equivalent to the claimed providing menu or preference feature);

receiving (or instructions for or means for) a service preference selection from the user or receiving (or instructions for or means for) coupons based on selected service preferences and present location or transmitting or delivering (or instructions for or means for) the preference selection to the database server (please see column 5 lines 25-47 wherein the disclosed provided coupons from the clearing house is considered patentably equivalent to the claimed preference selection receipt, transmitting, and location features); and

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delivering or receiving (or instructions for or means for) coupons to the user based on the selected service preferences and location of the mobile device (please see column 5 lines 48-67 wherein the disclosed distributing and redeeming coupon embodiment is considered patentably equivalent to the claimed delivery or receiving features). Laor is discloses the claimed internet service provider (column 4 lines 15-19) and retail, dining, automobile service, lodging and entertainment service preferences (implicitly disclosed as shopping and spending habits at column 3 lines 62-67). Laor is considered to disclose the claimed invention as discussed above except for the claimed mobile communications device and telephone service provider. Hidary is considered to disclose the claimed mobile communications device including a mobile telephone, at column 3 lines 4-61, wherein the disclosed commercial message or advertisement delivery to a subscriber cellular (wireless or mobile) telephone is considered patentably equivalent to the claimed mobile communication device for receiving and delivery of coupons. In its broadest interpretation in light of the specification, the claimed coupon is an incentive to provide a user motivation to purchase a product or service. Hidary also disclosed that an advertisement acts as an incentive to provide a user motivation to purchase a product or service. Therefore a coupon and advertisement are considered patentably equivalent. Hidary is considered to also disclose the claimed and telephone service provider at column 2 lines 15-67. It would have been obvious to one skilled in the art to combine the mobile communication teachings of Hidary with the coupon delivery teachings of Laor for the purpose of providing user coupons to various means of communications such as a mobile communication device.

Claims 6, 9-10, 21, and 22 are rejected under 35 USC 103 as being unpatentable under Laor in view of Hidary in further view of Green, Jr. (US 5,926,133). Laor in view of Hidary is considered to disclose the claimed invention as discussed above except for the triangulation location of the wireless device, wireless server, and merchant selection within a prescribed user location radius. Green is considered to disclose the triangulation location of the wireless device at column 5 lines 9-20, and the wireless server and merchant selection within a prescribed user location radius at column 5 lines 33-48. It would have been obvious to one skilled in the art to combine the teachings of Laor in view of Hidary with the teachings of Green for the purpose of using wireless location techniques to locate mobile communication device users and wireless server storage and radius determination such that precise marketing and couponing may be affected for both a user and sender.

Claims 23, 26, and 29 are rejected under 35 USC 103 as being unpatentable under Laor in view of Hidary in further view of Christensen (US 6,035,28). Laor in view of Hidary is considered to disclose the claimed invention as discussed above except for the feature of consumer profiles based on demographic characteristics with a filtering step. Christensen is considered to disclose the claimed feature of consumer profiles based on demographic characteristics with a filtering step at column 9 lines 4-55. It would have been obvious to one skilled in the art to combine the teachings of Laor in view of Hidary with the teachings of Christensen for the purpose of accurately target

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consumers with purchase incentives, such as coupons, based on the demographic characteristics of those consumers.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Steve Gravini whose telephone number is (703) 308-7570 and electronic transmission / e-mail address is either steve.gravini@uspto.gov or stephen.gravini@uspto.gov. Examiner can normally be contacted Monday through Friday from 6:00 a.m. to 3:30 p.m. **If applicants choose to send information by e-mail, please be aware that confidentiality of the electronically transmitted message cannot be assured.** Please see MPEP 502.02. Information may be sent to the Office by facsimile transmission. The Official Fax Numbers for TC-3600 are:

| | |
|--------------------|----------------|
| After-final | (703) 872-9327 |
| Official | (703) 872-9306 |
| Non-Official/Draft | (703) 872-9325 |



**STEPHEN GRAVINI
PRIMARY EXAMINER**

smg
March 23, 2004